

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**MICHAEL SANDBORN & MARK
SANDBORN PARTNERSHIP,
MICHAEL SANDBORN, MARK
SANDBORN, and MS SQUARED,**

Plaintiffs,

v.

AVID TECHNOLOGY, INC.,

Defendant

C. A. No. 11-11472-FDS

**JOINT MOTION TO EXTEND DEADLINES PENDING RESOLUTION OF
BANKRUPTCY ISSUES**

In response to this Court's Order of August 10, 2012, Plaintiffs Michael Sandborn & Mark Sandborn Partnership, Michael Sandborn, Mark Sandborn, and MS Squared (collectively "the Sandborns") and Defendant Avid Technology, Inc. ("Avid") jointly move for an eight week extension of certain deadlines to resolve issues arising out of the bankruptcy filing by Plaintiff Michael Sandborn. In support thereof, the parties state as follows:

1. On March 13, 2012, Plaintiff Michael Sandborn filed a petition for relief under the United States Bankruptcy Code, Chapter 7, in the Northern District of Georgia. Counsel for the Plaintiffs was not made aware of this filing until early this month and on August 9, 2012, a Suggestion of Bankruptcy was filed.

2. Michael Sandborn is one of the two individual plaintiffs in this action for patent infringement. He was also one of the two principals in the two partnerships that are also plaintiffs in this action, the Michael Sandborn & Mark Sandborn Partnership and MS Squared. By operation of law, the Trustee of his Chapter 7 estate, Tamara Ogier (the "Trustee") has succeeded to Michael Sandborn's interest in this litigation and his interest in the two plaintiff partnerships.

3. The Trustee has informed counsel for the Plaintiffs that she desires prosecution of this action to continue, but in order to represent the Trustee, counsel for the Plaintiffs must be approved by the Bankruptcy Court as counsel for the Chapter 7 estate. Necessary paperwork and motions are being prepared to obtain Court approval, but have not yet been completed. Counsel for the Plaintiffs believes this approval can be accomplished by the end of September.

4. Defendant Avid has filed a counterclaim for declaratory relief against all Plaintiffs in this action, including Michael Sandborn. Pursuant to 11 U.S.C. § 361, the Trustee believes that the counterclaims against Michael Sandborn have been automatically stayed. The Trustee has indicated that she has no objection to lifting the automatic stay, but this action also needs to be approved by the Bankruptcy Court. Counsel for the Plaintiffs believes this approval can be accomplished by the end of September.

5. Given that continued prosecution of this action by the other parties may prejudice the Trustee and bankruptcy estate (because they cannot participate until Court approval is received), and given that only a modest delay is required to obtain all

the necessary approvals, the parties believe a brief extension of time – eight weeks – is in the interest of all parties. The parties have not previously extended any of the deadlines established in this case and this brief extension should not unduly delay the administration of justice.

6. Accordingly, the parties request that the following deadlines, which were established by the Court, be revised as set forth below:

Document and/or Action To Be Done and/or Filed	Original Due Date	Revised Due Date
Exchange List of Claim Terms to be Construed and Proposed Constructions	8/9/12	10/4/12
Exchange Proposed Constructions for Terms Proposed by Other Party	9/6/12	11/1/12
Meet and confer to narrow differences in Proposed Constructions	9/20/12	11/15/12
Deadline for Claim Construction Discovery	10/4/12	11/29/12
File Preliminary Claim Construction Briefs	10/15/12	12/17/12
File Reply Claim Construction Brief	10/29/12	1/7/13*
File Joint Claim Construction and Prehearing Statement	11/13/12	1/21/12

*Eight weeks after the original date would be New Year's Eve. This date has been moved to the following Monday, and all subsequent dates have been altered accordingly.

WHEREFORE, for the reasons set forth above, the parties jointly move that the Court extend certain deadlines in order to obtain the necessary approvals from the Bankruptcy Court for the Northern District of Georgia.

Dated: August 30, 2012

Respectfully submitted,

/s/ Michael Tabb

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Attorneys for Avid Technology, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which automatically sends email notification of such filing to registered participants.

/s/ Craig R. Smith

Craig R. Smith